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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,639	07/03/2001	Satoshi Hasegawa	P/126-206	9675

7590 10/20/2004

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EXAMINER

AZAD, ABUL K

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,639

Applicant(s)

HASEGAWA ET AL.

Examiner

ABUL K. AZAD

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3, 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-11 are pending in this Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by

Tsurushima et al. (US 2001/0047256 A1).

As per claim 1, Tsurushima teaches, “an audio encoder including dividing means for dividing an input signal into a plurality of frequency bands and outputting a plurality sub-band signals, and performing compression-encoding for the individual sub-band signals outputted from said dividing means, wherein said audio encoder further comprises bit-allocating means” (Fig. 3, elements 11, 12, 19, 20, 21, 16, 17 and 18; also at paragraph 0088);

“said bit-allocating means perform weighting in conformity to an equal-loudness curve that connects points representing pressure values of sounds having the same auditory loudness level for each frequency of the individual sub-band signals, and performing bit allocation to equalize a weighted quantization error in the individual sub-band signals” (Fig. 14, elements 532 and 530 and also at paragraphs 0137 to 0149).

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As per claim 2, Tsurushima teaches, "said bit-allocating means comprises a memory unit (Paragraph 016, ROM as memory unit), and

"said memory unit stores a table specifying weighting coefficients conforming to said equal-loudness curve for the individual sub-band signals" (paragraphs 0139 and 0140).

As per claim 3, Tsurushima teaches, "said memory unit further stores a weighting table specifying weighting coefficients corresponding to encoding bit rates" (paragraphs 0139 and 0140),

"said bit-allocating means performs bit allocation to equalize a weighted quantization error corresponding to the encoding bit rate in the individual sub-band signals" (paragraphs 0146 and 0147).

As per claim 4, Tsurushima teaches, "said memory unit stores a plurality of weighting tables corresponding to the encoding bit rates, and said bit-allocating means selectively uses an appropriate one of said plurality of weighting tables" (paragraphs 0137 to 0148).

As per claim 5, Tsurushima teaches, "an audio-encoding method uses a psychoacoustics analysis incorporating the consideration of auditory-sense characteristics, such as limitations of human auditory capability and masking effects" (paragraph 0149).

As per claims 6-11, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-5.

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Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

Any response to this action should be mailed to:

Commissioner for Patents

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Alexandria, VA 22313-1450

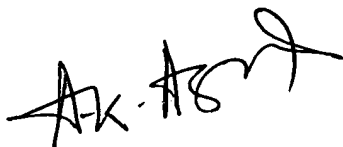
Or faxed to:

(703) 872-9314

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center's Customer Service Office at telephone number **(703) 306-0377**.

A handwritten signature in black ink, appearing to read 'A-K. Azad', is written over the printed name.

Abul K. Azad

October 18, 2004